

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:
	:
ANDREW E. CAHILL,	: BANKRUPTCY NO. 23-10470-mdc
Debtor	:
	: CHAPTER 13
	:
PENNSYLVANIA HOUSING FINANCE	: L.B.R. 9014-3
AGENCY,	:
Movant	: HEARING:
	: JANUARY 2, 2024
	: AT 10:30 A.M.
vs.	: TELEPHONIC HEARING
	:
ANDREW E. CAHILL and	:
KENNETH E. WEST, Trustee	:
Respondents	:

**MOTION OF PENNSYLVANIA HOUSING FINANCE AGENCY FOR
RELIEF FROM THE AUTOMATIC STAY TO PERMIT
PENNSYLVANIA HOUSING FINANCE AGENCY TO FORECLOSE ON
7711 BURHOLME AVENUE, PHILADELPHIA, PENNSYLVANIA**

TO THE HONORABLE MAGDELINE D. COLEMAN, CHIEF U. S. BANKRUPTCY JUDGE:

AND NOW comes Pennsylvania Housing Finance Agency, by its attorneys, Purcell, Krug & Haller, and files this Motion to obtain relief from the automatic stay pursuant to Section 362(d) of the Bankruptcy Code as follows:

1. That this is a contested matter under Rule 9014 brought pursuant to 11 USC Section 362(d).
2. Movant, Pennsylvania Housing Finance Agency, is a company with an office located at 211 North Front Street, Harrisburg, Pennsylvania 17101.
3. Respondent, Andrew E. Cahill, is an adult individual whose last known address is 7711 Burholme Avenue, Philadelphia, PA 19111.
4. Respondent, Kenneth E. West, is the Trustee duly appointed in the above case with a place of business at Suite 1813, 1234 Market Street, Philadelphia, Pennsylvania 19107.
5. On or about December 5, 2018, Debtor executed and delivered a Mortgage Note in the sum of \$206,097.00 payable to Meridian Bank, a copy of said Mortgage Note being attached hereto and made a part hereof as Exhibit "A".

6. Contemporaneously with and at the time of the execution of the aforesaid Mortgage Note, in order to secure payment of the same, the Debtor made, executed, and delivered to original Mortgagee, a certain real estate Mortgage which is recorded in the Recorder of Deeds Office of the within County and Commonwealth conveying to original Mortgagee the subject premises. The Mortgage was subsequently assigned to PENNSYLVANIA HOUSING FINANCE AGENCY by Assignment of Mortgage dated December 5, 2018 and was recorded in the aforesaid County. The said Mortgage and Assignment are incorporated herein by reference.

7. The land subject to the Mortgage is known and numbered as 7711 Burholme Avenue, Philadelphia, PA 19111.

8. The balance owed Movant is approximately \$244,100.00.

9. Other liens against the property are: Unknown

10. The value of the real estate is approximately \$209,900.00 (per Debtor's Schedules).

11. Debtor has failed to make six (6) post-petition mortgage payments to Movant in the amount of \$1,527.45 each, for a total of \$9,164.70.

12. After allowance of exemptions to which Debtor has claimed in the Bankruptcy Petition, the value of the aforesaid property to be sold is grossly insufficient to pay the record liens against the property, as well as costs that could be incurred by the Trustee in selling said property.

13. No equity exists in said property for the benefit of the unsecured creditors.

14. Movant is entitled to relief for cause.

WHEREFORE, Movant prays for the entry of an Order terminating the automatic stay and granting Movant leave to exercise its State Court foreclosure rights and that such further relief be granted as your Honorable Court deems fair and equitable.

PURCELL, KRUG & HALLER

By: /s/Leon P. Haller

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Dated: November 28, 2023